

Appl. No. : 09/773,940
Filed : January 31, 2001
Office Action Date : November 16, 2004
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REMARKS

Claims 1–30 are pending in this application. In the November 16, 2004 Office Action, the Examiner rejects Claims 1–2, 4–17, 19–27 and 30 under 35 U.S.C. § 102(e) as being anticipated by U.S. Patent No. 5,758,257 to Herz et al. ("Herz"). The Examiner rejects Claims 3, 18, 28 and 29 under 35 U.S.C. § 103(a) as being unpatentable over Herz.

In this Response, Applicants are amending Claims 1, 13 and 25. Claims 2–12, 14–24 and 26–30 remain as originally filed or as previously presented. For the reasons presented below, Applicants respectfully submit that Claims 1–30 are in condition for allowance.

Response to Claim Rejections Under 35 U.S.C. § 102(e)

Independent Claim 1

The Examiner rejects independent Claim 1 as being anticipated by Herz. As described herein, Applicants have amended Claim 1. For the reasons set forth below, Applicants respectfully submit that amended Claim 1 is patentably distinguished over Herz.

Amended Claim 1 recites a method of selecting content for presentation to a user at a user location, the content transmitted to the user location from a source of contents. The method includes, among other things, creating a user profile representing preference characteristics of the user and maintaining the user profile at the user location such that the user profile is inaccessible by the source of contents. The method further includes: receiving at the user location a set of parameters originating from the source of contents; correlating the user profile with the set of parameters at the user location; and reporting a match from the user location to the source of contents when a sufficient number of the parameters match preference characteristics in the user profile.

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Herz does not disclose a method that includes both (1) maintaining a user profile at a user location such that the user profile is inaccessible by a source of contents; and (2) reporting a match from the user location to the source of contents when a sufficient number of the parameters match preference characteristics in the user profile. Rather, Herz generally discloses two embodiments of a customer profile system that utilizes an "agreement matrix" to match customer preferences with contents of data sources. Each embodiment of this customer profile system is described in more detail below.

One-Way Transmission System of Herz

Herz discloses a customer profile system comprising a one-way transmission system that attempts to select which video or data programming would be most desired by each customer. The customer profile system "calculates [an] agreement matrix at the customer's set top multimedia terminal from the customer profiles stored in the set top multimedia terminal" (see col. 40 at lines 35–37). This agreement matrix provides measurements of similarity between customer profiles and the profiles of certain data source contents (e.g., movies) and is used to select the appropriate source contents to be shown to the customer. However, in the one-way transmission system, information regarding the agreement matrix, or other related information, is not transmitted back to the head end (the source of the data source contents) (see col. 40 at lines 43–44; col. 41 at lines 14–18). Rather, the calculation of the agreement matrix and the selection of appropriate video and data programming occur at the customer terminal. Thus, the one-way transmission system in Herz does not report "a match from the user location to the source of contents when a sufficient number of the parameters match preference characteristics in the user profile," as recited in amended Claim 1.

Two-Way Transmission System of Herz

Herz also discloses a customer profile system comprising a two-way transmission system. In the two-way transmission system, "the customer profile system is implemented at the video head end by creating an agreement matrix . . . from

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customer profiles at the head end" (col. 41 at lines 33–35). A return, or feedback, path is used to transmit customer profile information, viewing habit information and passive feedback data regarding the users back to the head end (see col. 41 at lines 59–61; col. 42 at lines 7–11 and 41–45).

Furthermore, Herz recognizes that its two-way system provides for the transmission of confidential data (customer profile data) from the customer's set top multimedia terminal to the head end (col. 43 at lines 31–33). To prevent unauthorized viewing of this confidential data, Herz discloses encrypting the data during transmission. Thus, the two-way transmission system in Herz does not maintain the "user profile at a user location such that the user profile is inaccessible by a source of contents," as recited by amended Claim 1. In addition, because the agreement matrix in the two-way transmission system appears to be created and stored at the head end, the two-way transmission system does not report "a match from the user location to the source of contents when a sufficient number of the parameters match preference characteristics in the user profile," as recited by amended Claim 1.

Summary as to Claim 1

In view of the foregoing, Applicants respectfully submit that Herz does not disclose a method that includes both (1) maintaining a user profile at a user location such that the user profile is inaccessible by a source of contents; and (2) reporting of a match from the user location to the source of contents when a sufficient number of the parameters match preference characteristics in the user profile, as recited by amended Claim 1. Therefore, amended Claim 1 is patentably distinguished over Herz. Applicants respectfully request the Examiner to withdraw the rejection of Claim 1 and to pass Claim 1 to allowance.

Dependent Claims 2 and 4–12

Claims 2 and 4–12 depend from independent Claim 1 and further define the invention defined in Claim 1. Claims 2 and 4–12 are patentably distinguished over Herz

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for at least the reasons set forth above with respect to Claim 1. Claims 2 and 4–12 are further patentably distinguished over Herz in view of the additional limitations recited in Claims 2 and 4–12, and Applicants respectfully request allowance of Claims 2 and 4–12.

Independent Claim 13

The Examiner rejects independent Claim 13 as being anticipated by Herz.

As described herein, Applicants have amended Claim 13. Amended Claim 13 includes features that are similar to limitations of amended Claim 1. Applicants respectfully submit that Claim 13 is patentably distinguished over Herz for reasons set forth above with respect to Claim 1. Claim 13 includes other limitations in combination with the previously discussed limitations. Herz does not teach or suggest the recited combination of limitations in Claim 13. Thus, Claim 13 is further patentably distinguished over Herz in view of the defined combination of limitations. Applicants respectfully submit that Claim 13 is patentably distinguished over Herz, and Applicants respectfully request allowance of Claim 13.

Dependent Claims 14–17 and 19–24

Claims 14–17 and 19–24 depend from independent Claim 13 and further define the invention defined in Claim 13. Claims 14–17 and 19–24 are patentably distinguished over Herz for at least the reasons set forth above with respect to Claim 13. Claims 14–17 and 19–24 are further patentably distinguished over Herz in view of the additional limitations recited in Claims 14–17 and 19–24. Applicants respectfully request allowance of Claims 14–17 and 19–24.

Independent Claim 25

The Examiner rejects independent Claim 25 as being anticipated by Herz. For the reasons set forth hereafter, Applicants respectfully submit that amended Claim 25 is patentably distinguished over Herz.

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As described herein, Applicants have amended Claim 25. Amended Claim 25 recites a system for receiving and presenting content at a user location, the content transmitted to the user location from a source of contents. The system includes, among other things, a profiling agent configured to create a user profile representing preference characteristics of the user and a receiver configured to receive a set of parameters defined for at least one content, the set of parameters originating from a source of contents. The system further includes a processing module configured to determine whether parameters in the set of parameters match preference characteristics in the user profile, and to generate a match signal when a sufficient number of the parameters match preference characteristics in the user profile. The processing module is further configured to maintain the user profile inaccessible to the source of contents. The system also includes a transmitter configured to send the match signal to the source of contents.

Herz does not disclose a system having both (1) a processing module configured to maintain a user profile inaccessible to a source of contents, and (2) a transmitter configured to send the match signal to the source of contents, as recited by amended Claim 25. Rather, as discussed above with respect to Claim 1, Herz generally discloses two configurations of a customer profile system that utilizes an "agreement matrix" to match customer preferences with contents of data sources.

In the one-way transmission system, information regarding the agreement matrix, or the comparison between the customer profile and the data source contents, is not transmitted back to the head end (the source of the data source contents) (see col. 40 at lines 43–44; col. 41 at lines 14–18). Thus, with respect to the one-way transmission system, Herz does not disclose a transmitter "configured to send the match signal to the source of contents," as recited by amended Claim 25.

In the two-way transmission system of Herz, the customer profile system is implemented at the video head end (col. 41 at lines 33–35), and a return, or feedback, path is used to transmit customer profile information, viewing habit information and

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passive feedback data back to the head end (see col. 41 at lines 59–61; col. 42 at lines 7–11 and 41–45). Thus, with respect to the two-way transmission system, Herz does not disclose “a processing module . . . configured to maintain the user profile inaccessible to the source of contents,” as recited by amended Claim 25. Furthermore, Herz does not disclose the two-way transmission system as having “a transmitter coupled to the processing module and configured to send the match signal to the source of contents,” as recited by amended Claim 25.

Summary as to Claim 25

In view of the foregoing, Applicants respectfully submit that Herz does not disclose a system having both (1) a processing module configured to maintain a user profile inaccessible to a source of contents, and (2) a transmitter configured to send the match signal to the source of contents, as recited by amended Claim 25. Therefore, Claim 25 is patentably distinguished over Herz. Applicants respectfully request the Examiner to withdraw the rejection of Claim 25 and to pass Claim 25 to allowance.

Dependent Claims 26, 27 and 30

Claims 26, 27 and 30 depend from independent Claim 25 and further define the invention defined in Claim 25. Claims 26, 27 and 30 are patentably distinguished over Herz for at least the reasons set forth above with respect to Claim 25. Claims 26, 27 and 30 are further patentably distinguished over Herz in view of the additional limitations recited in Claims 26, 27 and 30. Applicants respectfully request allowance of Claims 26, 27 and 30.

Response to Claim Rejections Under 35 U.S.C. § 103(a)

The Examiner rejects Claims 3, 18, 28 and 29 under 35 U.S.C. § 103(a) as being unpatentable over Herz. In particular, the Examiner rejects Claims 28 and 29 as being unpatentable over Herz in view of Official Notice. The Examiner takes Official Notice that it is well known in the art that a customer terminal in the television system disclosed

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by Herz includes a digital video recorder comprising a receiver and a processor component.

Dependent Claim 3

Claim 3 depends from independent Claim 1 and further defines the invention defined in Claim 1. Claim 3 is patentably distinguished over Herz for at least the reasons set forth above with respect to Claim 1. Claim 3 is further patentably distinguished over Herz in view of the additional limitations recited in Claim 3. Applicants respectfully request allowance of Claim 3.

Dependent Claim 18

Claim 18 depends from independent Claim 13 and further defines the invention defined in Claim 13. Claim 18 is patentably distinguished over Herz for at least the reasons set forth above with respect to Claim 13. Claim 18 is further patentably distinguished over Herz in view of the additional limitations recited in Claim 18. Applicants respectfully request allowance of Claim 18.

Dependent Claims 28 and 29

Claims 28 and 29 depend from independent Claim 25 and further define the invention defined in Claim 25. Claims 28 and 29 are patentably distinguished over Herz for at least the reasons set forth above with respect to Claim 25. Claims 28 and 29 are further patentably distinguished over Herz in view of the additional limitations recited in Claims 28 and 29. Applicants respectfully request allowance of Claims 28 and 29.

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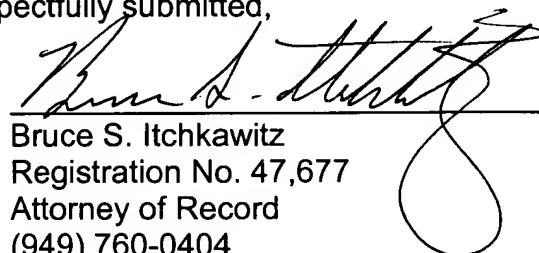
Summary

In view of the foregoing remarks, Applicants respectfully submit that the present application is now in condition for allowance, and Applicants respectfully request allowance of Claims 1-30.

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Respectfully submitted,

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